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December 20, 1996

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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Re: Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Brodhead, Mount Vernon and Stanford, Kentucky)  
MM Docket No. 96-202, RM-8879, RM-8963, RM-8964

Dear Mr. Caton:

Transmitted herewith on behalf of Rock Communications of Mount Vernon are an original and four copies of its Reply Comments in the above-referenced proceeding which proposes to allot Channel 270A to Brodhead, Kentucky.

If there are any questions regarding this matter, please contact the undersigned directly.

Sincerely,

  
John F. Garziglia

Enclosures

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )

Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Brodhead, Mount Vernon and )  
Stanford, Kentucky) )

MM Docket No. 96-202  
RM-8879  
RM-8963  
RM-8964

To: Chief, Allocations Branch

**REPLY COMMENTS**

Rock Communication of Mount Vernon, by its attorneys,  
pursuant to Public Notice Report No. 2168, released December 5,  
1996, hereby submits its reply comments in this proceeding.<sup>1/</sup>  
In support of an allotment to Brodhead, Kentucky, the following  
is submitted:

1. Enclosed is the declaration of Rebecca S. Bussell, City  
Clerk to the City of Brodhead, Kentucky. That declaration  
provides factual material that unequivocally shows that Brodhead  
is a community for FCC allotment purposes. See Revision of FM  
Assignment Policies and Procedures, 90 FCC 2d 88 (1982) (Absent  
information to the contrary, any place which is incorporated is  
considered to be a licensable community); Asbury, Iowa, 5 FCC Rcd  
5712 (1990) (Additional indicia of community status is that the  
community is self-governing).

2. As shown in the attached, the city of Brodhead was  
incorporated on April 22, 1880. It has a mayor, four member city

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<sup>1/</sup> The public notice specified that reply comments to the  
counterproposals should be filed on or before December 20, 1996.

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council, a police department, a volunteer fire department with approximately 25 members and 4 trucks and a post office with 455 postal boxes and route deliveries totaling 1005. Providing banking services is the Citizens Bank of Brodhead, which was established in 1904.

3. Among the other entities calling Brodhead home are the Sowder Nursing Home with approximately 94 employees, Taylor's Produce with approximately 23 employees, Foodland of Brodhead with approximately 21 employees, Long Airdox with approximately 65 employees, Newland Construction Company with approximately 10 employees, Commodore Construction Company with approximately 8-10 employees, Image of Spring landscaping company, and R & E Trucking Company with approximately 5 employees.

4. Also within the city of Brodhead are three flower shops, a bridal boutique, two convenience stores, two restaurants, a video store, two beauty salons, two craft shops, an agriculture equipment supply store, three feed mills, three video arcades with pool tables, a funeral home, gas stations separate from the convenience stores, approximately five roofing companies, two car body shops, a car clean up shop, four churches, a car wash and a hardware store.

5. Serving the educational needs of Brodhead residents is Brodhead Elementary School with 410 students and approximately 50 employees. Brodhead has its own waste water treatment plant with approximately 504 connections. Cable TV service is provided by

Wilcop Cable TV System, a company that is locally owned and operated.

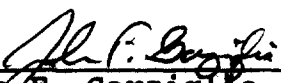
6. Brodhead has no radio station. That deficiency should be remedied by the allotment by the Commission of FM Channel 270A to Brodhead as its first local transmission service. Rock Communications of Mt. Vernon hereby restates its present intention to apply for the Brodhead allotment, when allotted, and if authorized, to build a station promptly.

7. Now before the Commission in this proceeding are two proposals for providing additional transmission service to communities that already have local aural transmission service, and a proposal to allot FM Channel 270A to Brodhead, Kentucky as its first local transmission service. Conflicting proposals, such as have been filed in this proceeding, are comparatively considered under the guidelines set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Those priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters [co-equal weight given to priorities (2) and (3)]. In this proceeding, only one proposal falls under priority (3). The proposals for allotments to Stanford, Kentucky and Mt. Vernon, Kentucky both fall under priority (4). Accordingly, under the well established priorities for resolving proceedings such as this, the allotment to Brodhead, Kentucky should be preferred as it provides a first local transmission service.

WHEREFORE, for the reasons above, FM Channel 270A should be allotted to Brodhead, Kentucky as its first local aural transmission service.

Respectfully submitted,

ROCK COMMUNICATIONS OF MOUNT VERNON

By:   
John F. Garziglia  
Its Attorney

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Washington, D.C. 20006  
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December 20, 1996

# CITY OF BRODHEAD

P.O. BOX 556  
BRODHEAD, KENTUCKY 40409

December 9, 1996

The City of Brodhead was incorporated April 22, 1880.

The population of the city (based on recent waste water treatment plant survey) is approximately 1700.

The City is a sixth class city.

a. Mayor

Billy B. Bussell

b. Council

C. B. Owens

Franklin Curtis Brown

Larry Doyle

John Wilcop

The Brodhead Police Dept. with police chief Joe M. Bussell.

The Brodhead Volunteer Fire Dept. with approximately 25 members and 4 trucks.

The Citizens bank of Brodhead was established in 1904.

The Brodhead Post Office has approximately 455 postal boxes and route deliveries totaling 1005.

Sowder Nursing home has approximately 94 employees.

Brodhead Elementary School with 410 students and approximately 50 employees.

Taylor's Produce with approximately 23 employees.

Foodland of Brodhead with approximately 21 employees.

Long Airdox with approximately 65 employees.

The City has its own waste water treatment plant with approximately 504 connections.

The City has Wilcop Cable TV System that is locally owned and operated.

Newland Construction Company, locally owned and operated that employs approximately 10 people.

Commodore Construction Company, locally owned and operated that employs approximately 8-10 persons.

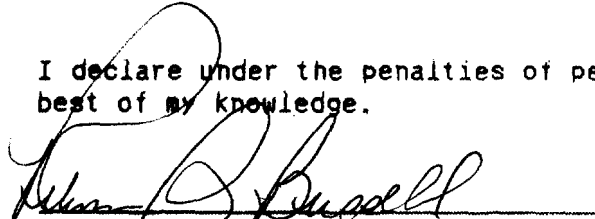
Image of Spring landscaping company.

R & E Trucking Company with approximately 5 employees.

The City also has 3 flower shops, bridal boutique, 2 convenient stores, 2 restaurants, video store, 2 beauty salons, 2 craft shops, an agriculture equipment supply, 3 feed mills, 3 video arcades with pool tables, a funeral home, gas stations

(seperate from the convenient stores), approximately 5 roofing companies, 2 car body shops, car clean up shop, 4 churches, a car wash, and a hardware store.

I declare under the penalties of perjury, that this statement is true and correct to the best of my knowledge.

  
Rebecca S. Bussell, City Clerk

**CERTIFICATE OF SERVICE**

I, Tracey S. Westbrook, a secretary with the law firm of Pepper & Corazzini, L.L.P., hereby certify that true and correct copies of the foregoing "Reply Comments" were served by U.S. mail, postage prepaid, first-class on the 20th day of December, 1996, upon the following individuals:

- \* Ms. Sharon P. McDonald  
Allocations Branch  
Federal Communications Commission  
2000 M Street, N.W.  
Fifth Floor  
Washington, DC 20554
  
- Anne Goodwin Crump, Esquire  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street  
11th Floor  
Rosslyn, VA 22209  
(Counsel to Williams Communications, Inc.)
  
- Vernon R. Baldwin  
8686 Michael Lane  
Fairfield, OH 45014

  
Tracey S. Westbrook

\* - HAND DELIVERY